

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.2902 OF 2006
IN
FIRST APPEAL NO.1493 OF 2006

Head Personnel Division, B.A.R.C.
Vs.
Navin Lokkya Shetty

...Applicant
...Respondent

Shri S.S. Sarkar for the Applicant.
Shri M.B.Kotak for the Respondent.

**CORAM : A. S. OKA, J.
DATE : AUGUST 07, 2006.**

P.C.:

1. Rule returnable forthwith. Taken up for
hearing forthwith. The learned Advocate for the
Applicant states that the Applicant has deposited
Rs.02,64,194/- with the concerned Tribunal.
Considering the facts and circumstances, the entire
amount due and payable under the impugned judgment and
award as of today will have to be deposited by the
Applicant with the concerned Tribunal.

2. The Tribunal has awarded total compensation of
Rs.04,47,400/- inclusive of amount paid under section
140 of the Motor Vehicles Act, 1988 together with
interest at the rate of 7.5% per annum from the date
of filing of the Claim Petition till realisation. In
my view, considering the disability suffered by the

Respondent and considering the medical treatment which was required to be undergone by the Respondent, a sum of Rs.03,25,000/- will have to be permitted to be withdrawn by the Respondent without furnishing any security subject to final outcome of the Appeal. The Respondent will have to be permitted to withdraw a further amount of Rs.01,50,000/- on furnishing security to the satisfaction of the Tribunal. The rest of the amount will have to be invested in the fixed deposit.

3. Hence, Civil Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a) subject to condition of the Applicant depositing the entire amount due and payable under the impugned judgment and award with the concerned Tribunal within period of six weeks from today. The Appellant will be entitled to adjustment of the amount which is already deposited.

(ii) If compliance is not made within the stipulated

time, interim relief will stand vacated without further reference to the court.

(iii) If compliance is made, the Respondent will be entitled to withdraw a sum of Rs.03,25,000/- without furnishing any security. Withdrawal of the said amount will be subject to final outcome of the Appeal. The Respondent will be permitted to withdraw a further amount of Rs.01,50,000/- on furnishing adequate security to the satisfaction of the Tribunal. The Tribunal will hear the Applicant before accepting the security.

(iv) The rest of the amount deposited by the Applicant will be invested by the Tribunal in the fixed deposit in any nationalised bank for a period of three years and thereafter the fixed deposit shall be renewed from time to time till the dismissal of the First Appeal.

(v) There will be no orders as to costs.

JUDGE